GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - Commercial Taxes Department- Sri N.Srinivasa Rao, formerly Joint Commissioner (ST) Visakhapatnam Division, presently working as State Representative of APVAT Tribunal, Visakhapatnam – Report received from the Joint Commissioners (ST) Enforcement I and II - Departmental Proceedings under Rule-20 of the Andhra Pradesh Civil Services (CCA), Rules, 1991 - Articles of charges Issued – Written statement of defence - Called for - Regarding.

REVENUE (VIGILANCE-VI) DEPARTMENT

G.O.Rt.No. 818 **Dated.31.08.2023**

Read the following:-

1. The CCST's File No: REV 03-23/1/2023- ENFO-CCT dt: 17-02-2023.
2. Letter in CCST's Ref No: ENFT/CEW/E2/133/2023 dt: 02-06-2023 of Sri Y.Kiran Kumar, JC (ST) and Smt. G.Kalpana , JC(ST).

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ORDER:

It is proposed to hold an enquiry against Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam in accordance with the procedure laid down in Rule-20 of the Andhra Pradesh Civil Services, Rules,1991.

2) The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). Statement of Imputation, list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure-II to III).

3) Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam is directed to submit a written statement of his defence within 10 days of the receipt of this memo i.e., written statement of his defence and to state whether he desires to be heard in person.

4) Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charges which are not admitted. He should, therefore, specifically admit or deny each article of charge.

5) Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam is further informed that if he does not submit his written statement of defence on or before the date specified in para-3 above, further action will be processed based on the material available.

6) Attention of Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam is invited to Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with in these proceedings it will be presumed that Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule-24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7) The receipt of the Memorandum may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.GULZAR
SECRETARY TO GOVERNMENT

To
Sri N.Srinivasa Rao, Joint Commissioner of State Tax,
presently working as State Representative of APVAT Tribunal, Visakhapatnam.
Copy to:
The Chief Commissioner (ST), Kunchanapalli, Guntur Dist.
The DG ACB, Vijayawada.
SF/SC

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SECTION OFFICER

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ANNEXURE-I

Statement of articles of charges framed against Sri N.Srinivasa Rao, Joint Commissioner of State Tax, presently working as State Representative of APVAT Tribunal, Visakhapatnam.

Article.I: That the said Sri N.Srinivasa Rao, Joint Commissioner of State Tax, while working as Joint Commissioner (ST) Visakhapatnam Division caused for loss of revenue to the State exchequer to a tune of Rs. **92,33,11,731/-** due to his supervisory lapse which includes non-levy of penalties, interests as prescribed under the provisions of APGST Act, 2017 and reduction of the amounts without assigning proper reasons by his subordinate officers who conducted Inspections of the Registered Persons in the Visakhapatnam Division as per the authorization accorded by him, and thereby exhibited lack of devotion to duties, failure to maintain absolute integrity, discipline and sense of propriety and violated Rule 3 (1) of APCS (Conduct) Rules 1964.

Article. II: That the said Sri N.Srinivasa Rao, Joint Commissioner (ST) while working as Joint Commissioner of State Tax, Visakhapatnam Division acted to benefit the traders/ taxpayers by intentionally ignoring monitoring of the enforcement activities of his sub-ordinate officers, in the manner of derogatory to the prestige of Government thereby violated Rule 3(2) of APCS (Conduct) Rules 1964.

Article. III: That the said Sri N.Srinivasa Rao, Joint Commissioner (ST) while working as Joint Commissioner of State Tax, Visakhapatnam Division acted in a manner which will place his official position under embarrassment and causing loss of revenue to the Government Exchequer and thereby violated Rule 3(3) of APCS (Conduct) Rules 1964.

Article. IV: That the said Sri N.Srinivasa Rao, Joint Commissioner of State Tax, while working as Joint Commissioner of State Tax, Visakhapatnam Division exhibited lack of integrity and devotion to duty and caused loss of revenue to a tune of Rs. 92,33,11,731/- and thereby violated Rule 3(5) of APCS (Conduct) Rules 1964.

Article. V: That the said Sri N.Srinivasa Rao, Joint Commissioner (ST) while working as Joint Commissioner of State Tax, Visakhapatnam Division has not monitored the due process of conclusion of inspection proceedings as per the provisions of Section 73/74 of APGST Act 2017 by his subordinate officers which resulted in adjudication process has not been initiated in (64) cases and adjudication process has not been completed in (82) cases which also leads to loss of revenue and also vitiates the procedure of assessment finalization as prescribed under the APGST Act, 2017. Thereby he violated the provisions of Section 73/74 of the APAPGST Act, 2017.

Article. VI: That the said Sri N.Srinivasa Rao, Joint Commissioner (ST) while working as Joint Commissioner of State Tax, Visakhapatnam Division has authorized APGSTOs (Goods and Service Tax Officers) to conduct inspection of the 66 Registered Persons (Chinawaltair-6, Gajuwaka-60) under Section 71 of the APGST Act, 2017 though no such powers are vested under the APGST Act, 2017. Thus the said delinquent officer has exercised excessive powers beyond the scope of APGST Act and Rules, 2017 since the Chief Commissioner of State Tax has no where appointed APGSTOs as 'Proper Officer' to access business premises, inspect books of accounts, documents etc., for Audit, Scrutiny, Verification. The then Joint Commissioner (ST) thereby violated the Proceedings of Chief Commissioner (ST) issued in CCT's Ref.No. CCW/APGST/74/2015, dt. 29- 11-2019.

N.GULZAR
SECRETARY TO GOVERNMENT

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SECTION OFFICER

(P.T.O)

ANNEXURE – II

STATEMENT OF IMPUTATION OF MISCONDUCT IN SUPPORT OF THE ARTICLES OF CHARGES FRAMED AGAINST SRI N.SRINIVASA RAO, JOINT COMMISSIONER (ST) PRESENTLY WORKING AS STATE REPRESENTATIVE OF APVAT TRIBUNAL, VISAKHAPATNAM

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1) In order to find out the exact number of inspections conducted and the loss of revenue if any, in respect of the tax periods 2017-18 to 2021-22 relating to Visakhapatnam I & II divisions and as there is huge difference between the data updated in 52 column Enforcement google sheet and data to be fed into GO inspections workflow in APTIS and information furnished by the Joint Commissioners concerned is not correct and confirmed, 9 teams of Officers & Staff under the supervision of Sri Y.Kiran Kumar, JC (ST) for Visakhapatnam I Division and Smt. G.Kalpana, JC(ST) for Visakhapatnam II Division were appointed vide office proceedings in CCST's File No: REV 03-23/1/2023- ENFO-CCT dt: 17- 02-2023.

2) The said teams on conducting detailed verification of 808 files in Visakhapatnam I & II divisions have submitted their reports to the Supervisory Officers with their findings wherein it was pointed out that in **236 cases** loss of revenue to a tune of Rs. **96,70,73,769** appears to have been occurred due to the intentional ignorance of supervision, allowing the traders/ taxpayers to have undue benefit on evading the payment of tax, penalty & interest. The Supervisory Officers on verification of those reports found certain unsustainable demands and modified the no. of cases and revenue loss to **220** cases and for Rs. **92,33,11,731-00** which is a serious lapse on part of the delinquent officer and the amount is liable to be recovered from him besides taking disciplinary action under APCS (CCA) Rules 1991 on violation of conduct Rules 3(1), 3(2), 3(3) & 3(5).

3) It is further observed that in 64 cases the adjudication and assessment process was not initiated and in 82 cases the adjudication and assessment process has not been concluded as per the procedure prescribed under Section 73/Section 74 of the APGST Act, 2017 which also leads to loss of revenue and also vitiates the procedure of assessment finalization as prescribed under AP APGST Act 2017.

4) It is reported that Sri N.Srinivasa Rao, Joint Commissioner of State Tax has authorized GSTOs (Goods and Service Tax Officers) (GSTOs) to conduct inspections of the business premises of the Registered Persons U/s 71 (China Waltair -6, Gajuwaka -60) though no such powers are vested under the APGST Act, 2017. Thus the said delinquent officer has exercised excessive powers beyond the scope of APGST Act and Rules, 2017 since the Chief Commissioner of State Tax has no where appointed APGSTOs as 'Proper Officer' to access business premises, inspect books of accounts, documents etc., for Audit, Scrutiny, Verification.

5) This is clearly gross negligence on the part of the officer to discharge his legitimate and statutory duties.

Therefore, said Sri N.Srinivasa Rao, Joint Commissioner (State Tax) by his above mentioned acts has exhibited lack of integrity, devotion to duty, misconduct and gross negligence in discharge of his legitimate duties, which is unbecoming of a Government Servant and thus violated the provisions under Rule 3 (1) (2) (3) and (5) of AP Civil Services (Conduct) Rules, 1964 .

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ANNEXURE III

List of documents by which the Articles of Charges framed against Sri N.Srinivasa Rao, Joint Commissioner of State Tax are proposed to be sustained

1. Office proceedings in CCST's File No: REV 03-23/1/2023- ENFO-CCT dt: 17- 02- 2023.
2. Relevant portion of the enquiry report submitted in CCST's Ref No: ENFT/CEW/E2/133/2023 dt: 02-06-2023 of Sri Y. Kiran Kumar, JC (ST) Enforcement-I and Smt. G.Kalpana , JC(ST) Enforcement-II.

N.GULZAR
SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE IV

List of witness by whom the article of Charges framed against Sri N.Srinivasa Rao, Joint Commissioner of State Tax are proposed to be sustained:

S.No	File Name	Auditors Name	APGSTIN

As per Statement Attached

N.GULZAR
SECRETARY TO GOVERNMENT

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